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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,772	03/13/2001	Andre P. Guillory	390073	2684

7590

08/14/2003

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EXAMINER

NGUYEN, PHUNG

ART UNIT

PAPER NUMBER

2632

DATE MAILED: 08/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/804,772

Applicant(s)

GUILLORY, ANDRE P.

Examiner

Phung T Nguyen

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18-23 is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 9, 10, 12, 14, 15, and 17 is/are rejected.
- 7) ☒ Claim(s) 6, 11, 13 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 7, 9, 10, 12, 14, 15, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barber [U.S. Pat. 6,255,953] in view of Schwoegler [U.S. Pat. 6,590,529]

Regarding claim 1: Barber discloses a tornado warning system which comprises all the subject matter as follows:

a. a transmitter in the form of the central monitor 18 (figure 1, col. 3, lines 7-35) for transmitting a signal comprising the notification including sector data indicating a specific area in which the severe weather is expected;

b. a plurality of receivers 44 (figure 3, col. 3, lines 64-67, and col. 4, lines 1-6);

c. wherein each of the receivers annunciates an alarm in response to receiving the signal only when the sector data received in the signal matches code programmed (col. 4, lines 22-25);

The receivers 44 of Barber are programmed with the sub-address, which is different than any other county or grid block (col. 3, lines 29-44). Barber does not disclose city/county data indicating a city/county in which the severe weather is expected as claimed. However, Schwoegler discloses an individualized, location specific weather forecasting system comprising a plurality of geographical sectors and, for each sector, weather forecast data unique to each sector (col. 2, lines 41-55, col. 5, lines 1-5, col. 10, lines 31-49, col. 12, lines 24-33). Therefore,

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it would have been obvious to one of ordinary skill in the art to utilize the teaching of Schwoegler in the system of Barber because they both teach a system for receiving weather forecasts specific to their location. It is seen that Schwoegler's teaching of sending weather data unique to specific geographic sectors, e.g. city/county would increase the flexibility of Barber's system in order to prevent sending out a city-wide warning every time a tornado threatens one small part of the city.

Regarding claim 2: Barber discloses the emergency warning mechanism activates a siren when the transmitter is activated (col. 3, lines 59-63, and col. 4, lines 21-22).

Regarding claim 3: Barber discloses the control unit 18 (figure 1, col. 3, lines 8-11) configured to the transmitter and the siren.

Regarding claim 4: Barber discloses the local authority comprising an authority in a county (col. 2, lines 65-67, and col. 3, lines 1-6).

Regarding claim 5: Barber discloses the local authority comprising an authority to activate the transmitter, the authority including at least one member of a group consisting of a municipality in which the specific area is located (col. 3, lines 7-18).

Regarding claim 7: All the claimed subject matter is already discussed in respect to claims 1 and 2 above.

Regarding claim 9: Barber discloses a code for a location of the receiver (col. 3, lines 29-44).

Regarding claim 10: Refer to claim 3 above.

Regarding claim 12: All the claimed subject matter is already discussed in respect to claims 1, 2, and 4 above.

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Regarding claim 14: All the claimed subject matter is already discussed in respect to claim 1.

Regarding claim 15: Schwoegler discloses the area designation data comprising a code indicating the specific area and the at least one receiver is located in the specific area (col. 3, lines 50-58).

Regarding claim 17: Refer to claim 4 above.

Allowable Subject Matter

3. Claims 6, 11, 13, and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Claims 18-23 are allowed.

Response to Arguments

5. Applicant's arguments with respect to claims 1-5, and 7, 9, 10, 12, 14, 15, and 17 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Gropper [U.S. Pat. 5,574,999] discloses an alert receiver.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

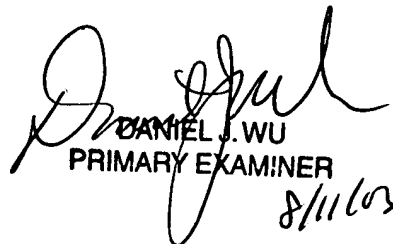
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phung Nguyen whose telephone number is (703)308-6252. The examiner can normally be reached on Monday to Friday from 8:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu, can be reached on (703)308-6730. The fax phone number for this Group is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-0377.

Examiner: Phung Nguyen

Date: July 30, 2003


DANIEL J. WU
PRIMARY EXAMINER
8/11/03